IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 35807 of 2007(K)

PETITIONER:

B.VIJAYAN, ASST.EXECUTIVE ENGINEER,
DISTRICT OFFICE, GROUND WATER DEPARTMENT,
THIRUVANANTHAPURAM.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF WATER RESOURCES (GW), GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR, GROUND WATER DEPARTMENT, JALAVIJNANA BHAVAN, KAWDIAR PO, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.35807 of 2007 V

Dated this the 4th day of December, 2007.

JUDGMENT

Petitioner is an Assistant Executive Engineer in the Ground Water Department. As per the Special Rules applicable to the Kerala Ground Water Department, the next promotion post is that of Executive Engineer. According to the petitioner, there are at least 3 vacancies in the post of Executive Engineer remaining unfilled. Two of them are existing from the year 2002. There is no select list, nor has the Departmental Promotion Committee been convened. Petitioner is due to retire on **31.12.2007**. Counsel for the petitioner submits that though the Departmental Promotion Committee has not been convened, petitioner's name has been included in the field of choice for the year 2006-07 as is evidenced by Ext.P1. Where the incumbents are impending retirement and where there is no select list, Ext.P5 circular provides that temporary promotions can be effected.

2. Taking note of these aspects as well, and after hearing the learned Government Pleader, the writ petition is disposed of directing the first respondent to consider the petitioner's claim for provisional promotion as early as possible, at any rate, before **24.12.2007**.

For effecting compliance of this direction, the petitioner shall produce a copy of this judgment, along with a copy of this writ petition before the first respondent at the earliest.

Sd/-
(V.GIRI)
JUDGE

sk/

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P.S. To Judge